Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of La Coste WWTP, located at the easterly city limits of La Coste, approximately 0.5 mile east-southeast of the intersection of Farm-to-Market ("FM") Road 471 and FM 2790, and 0.30 mile due south of the Southern Pacific Railroad, Medina County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but

does not wish to speak at Agenda.

Texas Register Publication Date: November 25, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,860

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,214 Total Due to General Revenue: \$27,646

Payment Plan: 23 payments of \$1,202 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): April 27, 2010

Complaint Information: Alleged unauthorized discharges from the Facility.

Date(s) of Investigation: May 3, 2010, June 15, 2010, June 17, 2010, and August 11,

2010

Date(s) of NOE(s): August 4, 2010 and August 20, 2010

Violation Information

- 1. Failed to prevent the discharge and accumulation of sludge and contaminants in the receiving stream [Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1), (4) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements Nos. 1 and 4, Permit Conditions No. 2.d, and Operational Requirements No. 1].
- 2. Failed to prevent the unauthorized discharge of industrial wash water into or adjacent to water in the state [Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010889001, Permit Conditions No. 2.g.].
- 3. Failed to comply with permitted effluent limits for ammonia nitrogen, total suspended solids, and carbonaceous biochemical oxygen demand [Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements No. 1].
- 4. Failed to provide notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility [30 Tex. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11(b)].
- 5. Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2010 through May 31, 2010 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 1].
- 6. Failed to employ or contract with a licensed operator [30 Tex. Admin. Code §§ 305.125(1) and 30.350(d) and TPDES Permit No. WQ0010889001, Other Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

a. By June 19, 2010, repaired the aerator and completed cleanup of Polecat Creek;

- b. On June 21, 2010, submitted the DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010;
- c. By June 28, 2010, repaired the basin pump located in the roll off container wash down area;
- d. By June 29, 2010, had an additional operator at the Facility that holds a current and valid Class C license;
- e. By June 29, 2010, developed and implemented procedures to ensure that the operator at the Facility has a current and valid license;
- f. On July 7, 2010, conducted an engineering study of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations. As a result of the evaluation, the following corrective measures were implemented at the Facility:
- i. Increased the monitoring frequency for dissolved oxygen, chlorine, and ammonia nitrogen;
- ii. Began checking the sludge depth in the clarifier three times per day;
- iii. Began conducting the sludge settling test five times per day;
- iv. Implemented improved maintenance procedures for the aerators, including increased monitoring and cleaning frequency;
- v. On July 12, 2010, adjusted the float levels for the lift station pumps in order to even out flows and reduce hydraulic loading spikes;
- vi. On July 12, 2010, adjusted the rate of flow at the telescoping valve to the optimal level:
- vii. On July 12, 2010, began conducting mixed liquor suspended solids test on-site to optimize the process; and
- viii. Installed redundant aerators for cases where two aerators are necessary to achieve appropriate dissolved oxygen levels in the aeration basin.
- g. On July 8, 2010, conducted employee training to ensure the timely submittal of signed and certified monthly DMRs;

- h. On July 27, 2010, conducted a second engineering study of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations. As a result of the evaluation, the following corrective measures were implemented at the Facility:
- i. On August 2, 2010, repaired and sealed a bent weir in the chlorine contact chamber and implemented automatic chlorine injection;
- ii. On August 23, 2010, ceased chlorine injection at the lift station and repaired the broken piping supports;
- iii. On August 24, 2010, cleaned the bar screen and implemented improved cleaning procedures of the bar screens; and
- iv. On August 30, 2010, implemented a schedule for routine cleaning of the aeration basin walls.
- i. On August 9, 2010, ensured that the expired Category C license of the operator was renewed;
- j. On September 30, 2010, returned to compliance with the permitted effluent limits; and
- k. On August 17, 2011, removed and properly disposed of all discharged waste from the abandoned holding pond at an authorized facility.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Submit notification of the volume and character of the pollutants entering the wastewater treatment facility; and
- ii. Update the Facility's operational guidance and conduct employee training to ensure that that adequate notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility is provided.
- b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A **Date Answer(s) Filed:** N/A

SOAH Referral Date: N/A **Hearing Date(s):** N/A **Settlement Date:** N/A

Contact Information

TCEQ Attorney: N/A

TCEO Enforcement Coordinator: Samuel Short, Enforcement Division,

Enforcement Team 3, MC 149, (512) 239-5363; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Andy Keller, Mayor, City of La Coste, P.O. Box 112, La

Coste, Texas 78039

George Salzman, City Administrator, City of La Coste, P.O. Box 112, La Coste, Texas

78039

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assianed 9-Aug-2010 Screening 30-Aug-2010 **EPA** Due PCW 12-Sep-2011 RESPONDENT/FACILITY INFORMATION Respondent City of La Coste Reg. Ent. Ref. No. RN101916617 Major/Minor Source Minor Facility/Site Region 13-San Antonio CASE INFORMATION No. of Violations 6 Enf./Case ID No. 40260 Docket No. 2010-1373-MWD-E Order Type Findings Government/Non-Profit Yes Media Program(s) Water Quality Enf. Coordinator Samuel Short Multi-Media EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section \$15,500 TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. 97.0% Enhancement \$15,035 **Compliance History** Enhancement for eight months of self-reported effluent violations, one NOV for the same/similar violations, one NOV for dissimilar violations, Notes and two Agreed Orders without denial of liability. \$0 Culpability No Subtotal 4 0.0% Enhancement The Respondent does not meet the culpability criteria. Notes \$1,675 Subtotal 5 Good Faith Effort to Comply Total Adjustments \$0 Subtotal 6 Economic Benefit 0.0% Enhancement* Total EB Amounts *Capped at the Total EB \$ Amount \$1,020 Approx. Cost of Compliance Final Subtotal \$28,860 SUM OF SUBTOTALS 1-7 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes \$28,860 Final Penalty Amount \$28,860 Final Assessed Penalty STATUTORY LIMIT ADJUSTMENT \$0 Adjustment Reduction 0.0%

No deferral is recommended for Findings Orders.

\$28,860

Reduces the Final Assessed Penalty by the indicted percentage.

Notes

PAYABLE PENALTY

Docket No. 2010-1373-MWD-E

Screening Date 30-Aug-2010

Respondent City of La Coste

Case ID No. 40260

Reg. Ent. Reference No. RN101916617

Compliance

History

Notes

Media [Statute] Water Quality Enf. Coordinator Samuel Short Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

Component	Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	9	45%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		50%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which</i> violations were disclosed)	0	0%
		ase Enter Yes or No	T
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2
eat Violator (
No	Adjustment Per	centage (Sub	total 3
	ry Person Classification (Subtotal 7)		tatal 7
Average Per	rformer Adjustment Per	centade (SUD	LULAI /

Enhancement for eight months of self-reported effluent violations, one NOV for the same/similar

violations, one NOV for dissimilar violations, and two Agreed Orders without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Economic Benefit Worksheet Respondent City of La Coste Case ID No. 40260 Reg. Ent. Reference No. RN101916617 Media Water Quality Years of Percent Interest Depreciation Violation No. 1 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ Delayed Costs 0.01 \$0 \$1 Equipment \$1 Buildings 0.00 \$0 \$0 0.00 \$0 \$0 \$0 Other (as needed) Engineering/construction 0.00\$0 \$0 \$0 Land 0.00 \$0 n/a \$0 **Record Keeping System** 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 3-May-2010 0.13 \$10 \$10 **Permit Costs** n/a \$0 0.00 \$0 3-May-2010 30-Aug-2010 0.33 Other (as needed) Estimated cost to repair the broken aerator. Date required is the date the discharge occurred due to a broken aerator and the final date is the date of compliance. Estimated cost to clean up Polecat Creek. Date required is the date the first discharge occurred and the final date is the date the cleanup was complete. Estimated cost to conduct two engineering evaluations of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the Notes for DELAYED costs discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations, and the cost to implement the recommended corrective actions including implementing improved monitoring and operating procedures, adding redundant aerators, repairing broken piping supports in the on-site lift station, and repairing the bent weir in the chlorine contact chamber. Date required is the investigation date and the final date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Avoided Costs 0.00 Disposal <u>\$0</u> \$0 Personnel 0.00 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/equipment 0.00 \$0 \$0 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] 0.00 \$0 \$0 Other (as needed) 0.00 Notes for AVOIDED costs TOTAL \$581 \$37,500 Approx. Cost of Compliance

Respondent Case ID No.		Docket No. 2010-1373-MWD-E		PCW
	City of La Coste			2 (September 2002) on October 30, 2008
Reg. Ent. Reference No.	1,		rew nevish	on october 50, 250.
Media [Statute]	Water Quality			
Enf. Coordinator Violation Number				
Rule Cite(s)		1, 30 Tex. Admin. Code § 305.125(1), and TPDE	S Permit	
		0010889001, Permit Conditions No. 2.g		
		nauthorized discharge of industrial wash water in e state. Specifically, on June 17, 2010 the invest		
Violation Description		water from the roll off container wash down are		
	discharged	into an abandoned effluent holding pond.	-	
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		Base	Penalty	\$10,000
>> Environmental, Proper	tv and Human Healt!	n Matrix		
	Harm			
Release OR Actual	Major Moderate	Minor X		
Potential		Percent 10%		
>>Programmatic Matrix Falsification	Major Moderate	Minor		
		Percent 0%		
 				
Matrix not exceed lev	or the environment has bee rels that are protective of hi	en exposed to insignificant amounts of pollutants uman health or environmental receptors as a resi	which do	
Notes		violation		
			40.000	
		Adjustment	\$9,000	
				\$1,000
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55 SS 55 SS 55 SS 51	/iolation Events 1	74 Number of violation d	ays	
SS	daily	74 Number of violation d	ays	
8 5 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	daily	74 Number of violation d	ays	
Number of V mark only one	daily	74 Number of violation d Violation Base		\$1,000
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Violation No.						Percent Interest	Years of Depreciation
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	Itam Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description			•				
				F1001000000000000000000000000000000000			
Delayed Costs							
Equipment	\$2,500	17-Jun-2010	28-Jun-2010	0.03	\$0	\$5	\$5
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	1			0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	17-Jun-2010	17-Aug-2011	1.17	\$292	n/a	\$292

Permit Costs				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	discharge	of wash water int	o the abandone	0,00 ed in t d efflue	\$0 he roll off containe ent holding pond. I	n/a er wash down area t Date required is the	\$0 o prevent the date of the
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Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	discharge investigal repaired. E holding pon	of wash water int ion that the violat stimated cost to r d. Date required i	o the abandone ion was docume emove and prop s the date of the final date is	ed in the definition of the desired a correct of the date of the d	\$0 he roll off containe ent holding pond. I und the final date i spose of all discha tigation that the v ute of compliance. gitem (except i \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a er wash down area to bate required is the sthe date the basin rged waste from the lolation was docume for one-time avoid \$0	\$0 o prevent the date of the pump was e abandoned ented and the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	discharge investigal repaired. E holding pon	of wash water int ion that the violat stimated cost to r d. Date required i	o the abandone ion was docume emove and prop s the date of the final date is	o.00 ed in tid efflue ented a perly di e investate de contenta de	\$0 he roll off containe ent holding pond. I ind the final date i spose of all discha tigation that the v ite of compliance. 19 item (except i 50 50 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a er wash down area to bate required is the sthe date the basin rged waste from the lolation was docume for one-time avoid \$0,000,000,000,000,000,000,000,000,000,	\$0 o prevent the date of the pump was e abandoned ented and the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	discharge investigal repaired. E holding pon	of wash water int ion that the violat stimated cost to r d. Date required i	o the abandone ion was docume emove and prop s the date of the final date is	o.00 ed in tid efflue ented a perly di e investate de contenta de	\$0 he roll off containe ent holding pond. I ind the final date i spose of all discha tigation that the v ite of compliance. 19 item (except i 50 50 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a er wash down area to bate required is the sthe date the basin rged waste from the lolation was docume for one-time avoid \$0,000,000,000,000,000,000,000,000,000,	\$0 o prevent the date of the pump was e abandoned ented and the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Date 30-Aug-2010	Docket No. 2010-1373-MWD-E	PCW
	ndent City of La Coste D No. 40260	· · · · · · · · · · · · · · · · · · ·	Revision 2 (September 2002) CW Revision October 30, 2008
Reg. Ent. Referenc	c e No. RN101916617		
	atute] Water Quality		
Enr. Coordi Violation N	nator Samuel Short lumber 3		
Rule	Cite(s) Tex Water Code 8 26	5.121(a), 30 Tex. Admin. Code § 305:125(1), and TPDE	S
		001, Effluent Limitations and Monitoring Requirements N	
			contract
	Failed to comply with	permitted effluent limits, as documented during a recor	: 'd
Violation Desc		August 11, 2010 and shown in Table No. 2 (attached).	
		Base Pen	salty \$10,000
>> Environmental, F	Property and Human Hea		
R	Harm L elease Major Modera		
OR	Actual	****	
P	otential	Percent 10%	
>>Programmatic Ma			
Falsifi	ication Major Modera	rite Minor Percent 0%	
A sin	nplified model was used to evalua	te CBOD and ammonia nitrogen to determine whether t	he
		eded levels protective of human health or the environme of these discharges, human health or the environment h	
		of pollutants which do not exceed levels that are protect	
	of human he	alth or environmental receptors.	
la de la compansa de		40	000
		Adjustment \$9,	,000
			\$1,000
Violation Events			
Num	nber of Violation Events 2	123 Number of violation days	
ivan	iber of violation events		***************************************
	daily weekly	90 155 19 10 10 10 10 10	
	monthly		
	nly one quarterly x	Violation Base Pen	alty \$2,000
	semiannual annual		
	single event	500000	
	Two quarte	erly events are recommended.	
Good Faith Efforts to		0% Reduction	\$200
	Before NO Extraordinary	OV NOV to EDPRP/Settlement Offer	THE
	Ordinary		
	N/A	(mark with x)	
	Notes The Res	spondent returned to compliance on September	
		30, 2010	
	ppercussion and the design and the special and	Violation Subto	otal \$1,800
Economic Benefit (El	3) for this violation	Statutory Limit Test	
E	stimated EB Amount	\$0 Violation Final Penalty To	otal \$3,740
	This	violation Final Assessed Penalty (adjusted for lim	its) \$3,740

	E	conomic	Benefit	Wo	rksheet		
Responden	City of La Cost	te					
Case ID No	40260						
leg. Ent. Reference No	. RN101916617						
Media	Water Quality					Percent Interest	Years of
Violation No						Lei cent Tirrei ear	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
= 2 dec 2 d de 6 % e consession de la la labella la la la la labella la la la labella la labella la labella la E							
Delayed Costs	;						
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		80.00		0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs		l		0.00	\$0	n/a	<u>\$0</u>
Other (as needed)		ll		0.00	\$0	n/a l	\$0
Notes for DELAYED costs	to evaluate ti cost	he cause of and no t to implement the	ecessary correct recommended	tive act	tions designed to particle actions are in	d the associated colorevent effluent viole cluded in violation n	ations and the o. 1.
Avoided Costs	ANNUAL	IZE [1] avoided	costs perore i	0.00	so tem (except)	for one-time avoid	
Disposal		 			30	. 50	
Personnel	Hi				ŧΩ	- en	\$0
and a skilling I Demonstrate I Constitute of		 -		0.00	\$0 #0	\$0 \$0	\$0 \$0
				0.00	\$0	\$0	\$0 \$0 \$0
Supplies/equipment				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		\$0		0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2010-1373-MWD-E	PCW
	City of La Coste	•	on 2 (September 2002)
Case ID No.		PCW Rev	vision October 30, 2008
Reg. Ent. Reference No.			
Media [Statute]			
Enf. Coordinator			
Violation Number		TRANSPORTATION OF THE PROPERTY	
Rule Cite(s)	30 Tex. Adm	in. Code § 305.125(1), and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11(b)	
		Promoting and Reporting Requirements No. 12(5)	
Violation Description	discharged into not provide notil	le notification of a change in the volume or character of pollutants the wastewater treatment facility. Specifically, the Respondent did fication that a Type V Grease/Grit Processing plant was discharging dustrial wastes to the wastewater treatment facility.	
		Base Penalty[\$10,000
>> Environmental, Proper	ty and Huma	n Health Matrix Harm	. IIII
Release	Major	Moderate Minor	
OR Actual	[
Potential	-	Percent 0%	
>>Programmatic Matrix			
Falsification	Major	Moderate Minor Percent 10%	
L.	<u> </u>	Percent 10%	
	**************************************		٠.
Matrix	100	% of the rule requirement was not met.	
Notes	100		
		Adjustment \$9,000	
00011X10000000000000000000000000000000			¢1 000
			\$1,000
/iolation Events			
iolation events		· · · · · · · · · · · · · · · · · · ·	-
Number of \	/iolation Events	1 108 Number of violation days	
	•		,
	daily		
	weekly		
mark only one	monthly quarterly	Violation Base Penalty	\$1,000
with an x	semiannual	Violation base i charty	7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 -
·	annual		
	single event	- XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	'
		One single event is recommended.	
L			
Good Faith Efforts to Com	ah,	0.0% Reduction	\$0
Jood Faith Chorts to com		Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary -		
	Ordinary		
	N/A	(mark with x)	
	1-	he Respondent does not meet the good faith criteria for	
	Notes	this violation.	
		Kasalian and Asia Asia Asia Asia Asia Asia Asia Asia	
			±1 000
		Violation Subtotal	\$1,000
sonomic Bonofit (ED) for	thic violation	Statutory Limit Test	
conomic Benefit (EB) for	uns violation	Statutory Limit 165t	
Estimate	ed EB Amount	\$127 Violation Final Penalty Total	\$1,970
	5		41.070
		This violation Final Assessed Penalty (adjusted for limits)	\$1,970

Violation No	, ~1					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or s						
25.7.7.7							
Delayed Costs	ş						
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
Engineering/construction				0.00	\$0	\$0	<u>\$0</u> \$0
Land		 		0.00	\$0	n/a	\$0 \$85
Record Keeping System	\$1,000	3-May-2010	12-Jan-2012	1.70	\$85	n/a	\$65 \$0
Training/Sampling			***************************************	0.00	\$0 \$0	n/a n/a	<u>∌∪</u> \$0
Remediation/Disposal	B.			l 0.00 l	30 I	11/01	⊋∪
				0.00	+0	m/s	en .
Permit Costs Other (as needed)	wastewater	ed cost to submit treatment facility.	Date required	s the ir	vestigation date a	n/a n/a of the pollutants ent and the final date is quidance and condi	the estimated
	Estimat wastewater date of com training	ed cost to submit treatment facility. pliance. Estimated to ensure that add nto the wastewate	notification of the Date required of the Cost to update equate notification treatment fac	1.70 ne voluities the ire the Facon of a lility is p	\$42 me and character of the state of the sta	n/a of the pollutants ent ind the final date is guidance and condume or character of uired is the investigation.	\$42 tering the the estimated uct employee pollutants
Other (as needed) Notes for DELAYED costs	Estimat wastewater date of com training discharged ii	ed cost to submit treatment facility. ipliance. Estimate to ensure that add nto the wastewate the	notification of the Date required of the cost to update equate notification treatment factifinal date is the	1.70 ne voluities the interpretation of a litty is performed to the contract of the contract	\$42 me and character of the street of the st	n/a of the pollutants entended the final date is guidance and condume or character of the linestiguitance.	\$42 cering the the estimated uct employee pollutants ation date and
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimat wastewater date of com training discharged ii	ed cost to submit treatment facility. ipliance. Estimate to ensure that add nto the wastewate the	notification of the Date required of the cost to update equate notification treatment factifinal date is the	1.70 ne voluities the ire the Facon of a lility is personner.	\$42 me and character of the street of the st	n/a of the pollutants ent ind the final date is guidance and condume or character of uired is the investigation.	\$42 cering the the estimated uct employee pollutants ation date and
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimat wastewater date of com training discharged ii	ed cost to submit treatment facility. ipliance. Estimate to ensure that add nto the wastewate the	notification of the Date required of the cost to update equate notification treatment factifinal date is the	1.70 ne voluities the interpretation of a litty is performed to the contract of the contract	\$42 me and character of the stigation date a cility's operational change in the volurovided. Date requated date of comping item (except f	n/a of the pollutants ent ind the final date is guidance and condume or character of uired is the investigation. for one-time avoice.	\$42 tering the the estimated uct employee pollutants ation date and led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimat wastewater date of com training discharged ii	ed cost to submit treatment facility. ipliance. Estimate to ensure that add nto the wastewate the	notification of the Date required of the cost to update equate notification treatment factifinal date is the	1.70 ne voluities the frage on of a lility is personal exterior content of the co	\$42 me and character of the stigation date a cility's operational change in the volurovided. Date requated date of complete (except for \$0	n/a of the pollutants ent ind the final date is guidance and condume or character of uired is the investigation. for one-time avoic \$0	\$42 cering the the estimated uct employee pollutants ation date and led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimat wastewater date of com training discharged ii	ed cost to submit treatment facility. ipliance. Estimate to ensure that add nto the wastewate the	notification of the Date required of the cost to update equate notification treatment factifinal date is the	1.70 ne voluits the factor of a strict in the strict	\$42 me and character of the street of the st	n/a of the pollutants entering the final date is guidance and condume or character of the investigation. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$42 tering the the estimated uct employee pollutants ation date and led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel section/Reporting/Sampling	Estimat wastewater date of com training discharged ii	ed cost to submit treatment facility. ipliance. Estimate to ensure that add nto the wastewate the	notification of the Date required of the cost to update equate notification treatment factifinal date is the	1.70 ne volumes the ire the Facon of a lility is perestimate. enterin 0.00 0.00 0.00	\$42 me and character of exestigation date a cility's operational change in the volurovided. Date requated date of compositem (except for \$0 \$0 \$0 \$0 \$0	n/a of the pollutants entered in the final date is guidance and condume or character of aired is the investigation. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$42 tering the the estimated uct employee pollutants ation date and selection date and \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/equipment	Estimat wastewater date of com training discharged ii	ed cost to submit treatment facility. ipliance. Estimate to ensure that add nto the wastewate the	notification of the Date required of the cost to update equate notification treatment factifinal date is the	1.70 ne volumes the ire the Faon of a lility is pe estimenterin 0.00 0.00 0.00	\$42 me and character of the street investigation date a cility's operational change in the volution of the street investigation of the street	n/a of the pollutants entered in the final date is guidance and condume or character of aired is the investigation. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$42 tering the the estimated uct employee pollutants ation date and selection date and selection selection date and selection

	eening Date		Docket No. 2010-1373-MWD-E		PCW
Reg. Ent. Re Med	Respondent Case ID No. eference No. ia [Statute] Coordinator	40260 RN101916617 Water Quality		•	1 2 (September 2002) sion October 30, 2008
A. A	lation Number Rule Cite(s)	30 Tex. Admin. Co	ode §§ 305.125(17) and 319.1 and TPDES Permi 01, Monitoring and Reporting Requirements No.		
Violatio	on Description	periods ending January 3	discharge monitoring reports ("DMRs") for the m 31, 2010 through May 31, 2010. Specifically, the the following month and were not submitted unti 2010.	DMRs were	
			Bas	se Penalty	\$10,000
>> Environme	ntal, Proper	ty and Human Heal	lth Matrix		
OR	Release	Harm Major Moderal			
	Actual Potential		Percent 0%	· · · · · · · · · · · · · · · · · · ·	
>Programma					
	Falsification	Major Moderal	te Minor x Percent 1%		
Matrix Notes		At least 70%	of the rule requirement was met.		
			Adjustment	\$9,900	
			Aujustinent	39,300	\$10
-1-41 F	•				310
olation Even			160 Number of violation	days	
	Number of V	iolation Events 5	180 Number of violation	uays	
		daily weekly			
	mark only one with an x	monthly quarterly semiannual annual single eyent x	Violation Bas	se Penalty	\$50
	T	333333 35 3333333333			
		Five singl	le events are recommended.		
					\$12
ood Faith Eff		Before NC	NOV to EDPRP/Settlement Offer		\$12
		Extraordinary x			
		N/A	(mark with x)		
		Notes The Resp	ondent returned to compliance on July 8, 2010.		
			Violation	Subtotal	\$37!
conomic Bene	efit (EB) for	this violation	Statutory Limi	t Test	
	Estimate	d EB Amount	\$14 Violation Final Pen	alty Total	\$860
		This	violation Final Assessed Penalty (adjusted i	for limits)	\$860

eg. Ent. Reference No.	. 40260 . RN101916617 ∎ Water Quality	te				Percent Interest	Years of
Violation No.	. 5			68 1 4 13 A 16 A			Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
		-					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	20-Feb-2010	21-Jun-2010	0.33	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		1		0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a l	\$0
	AFOO.	20 5-6 2010	0.374.2040	0.70	60		¢O
Other (as needed)	2010 throug	h May 31, 2010.	the DMRs (\$50 Date required is	the da	ate the first report	n/a oring periods ending was due and the fir	ial date is the
Notes for DELAYED costs	The estimate 2010 throug date of compli- training to	ed cost to submit in May 31, 2010. ance. The estimal o ensure that self-	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs	per rep the da te the ement Date	port) for the monit ate the first report Facility's operation is are properly accor required is the da	n/a oring periods ending	g January 31, lal date is the induct employee I the timely
Notes for DELAYED costs	The estimate 2010 throug date of compli- training to submittal of s	ed cost to submit h May 31, 2010. ance. The estimal o ensure that self- igned and certifie	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs final date is	per rep the da te the ement Date the da	port) for the monit ate the first report Facility's operation is are properly accor required is the da ate of compliance.	n/a coring periods ending was due and the fir nal guidance and cor complished, including te the first report w	g January 31, ial date is the induct employee I the timely as due and the
Notes for DELAYED costs Avoided Costs	The estimate 2010 throug date of compli- training to submittal of s	ed cost to submit h May 31, 2010. ance. The estimal o ensure that self- igned and certifie	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs final date is	per rep the da te the ement Date the da	port) for the monit ate the first report Facility's operation is are properly accor required is the da ate of compliance. ing item (except i	n/a coring periods ending was due and the fir nal guidance and cor complished, including te the first report w for one-time avoic	g January 31, ial date is the induct employee i the timely as due and the led costs)
Notes for DELAYED costs Avoided Costs Disposal	The estimate 2010 throug date of compli- training to submittal of s	ed cost to submit h May 31, 2010. ance. The estimal o ensure that self- igned and certifie	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs final date is	per rep the da te the ement . Date the da enterir 0.00	port) for the monit ate the first report Facility's operation is are properly accorequired is the da ate of compliance. ing item (except i	n/a coring periods ending was due and the fir hal guidance and cor complished, including te the first report w for one-time avoic \$0	g January 31, lal date is the induct employee the timely as due and the led costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	The estimate 2010 throug date of compli- training to submittal of s	ed cost to submit h May 31, 2010. ance. The estimal o ensure that self- igned and certifie	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs final date is	per repethe date the ement of the date the date entering 0.00	port) for the monit ate the first report Facility's operation is are properly acc- required is the da ate of compliance. Ing item (except if \$0 \$0	n/a coring periods ending was due and the fir hal guidance and cor complished, including te the first report w for one-time avoic \$0 \$0	g January 31, lal date is the induct employee the timely as due and the led costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling	The estimate 2010 throug date of compli- training to submittal of s	ed cost to submit h May 31, 2010. ance. The estimal o ensure that self- igned and certifie	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs final date is	per repthe date the ement to be the date the dat	port) for the monit ate the first report Facility's operation is are properly acc- required is the da ate of compliance. Ing item (except in the solution of	n/a coring periods ending was due and the fir hal guidance and cor complished, including te the first report w for one-time avoid \$0 \$0 \$0 \$0	g January 31, lal date is the induct employee I the timely as due and the led costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	The estimate 2010 throug date of compli- training to submittal of s	ed cost to submit h May 31, 2010. ance. The estimal o ensure that self- igned and certifie	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs final date is	per rel the da te the ement . Date the da enterir 0.00 0.00 0.00	port) for the monit ate the first report Facility's operation is are properly accor required is the da ate of compliance. In the facility of the monitoring \$0 \$0 \$0 \$0 \$0	n/a coring periods ending was due and the fir hal guidance and cor complished, including te the first report w for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	g January 31, lal date is the induct employee I the timely as due and the led costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The estimate 2010 throug date of compli- training to submittal of s	ed cost to submit h May 31, 2010. ance. The estimal o ensure that self- igned and certifie	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs final date is	per rel the da te the ement Date the da enterir 0.00 0.00 0.00 0.00	port) for the monitate the first report Facility's operations are properly according to the date of compliance. If the first report is the date of compliance. If the first report is the date of sompliance. If the first report is the date of sompliance. If the first report is the date of sompliance. If the first report is the first report in the first report is the first report report is the first report repo	n/a oring periods ending was due and the fir all guidance and coromplished, including te the first report w for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	g January 31, lal date is the induct employee I the timely as due and the led costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The estimate 2010 throug date of compli- training to submittal of s	ed cost to submit h May 31, 2010. ance. The estimal o ensure that self- igned and certifie	the DMRs (\$50 Date required is ted cost to upda reporting requir d monthly DMRs final date is	per rep the da te the ement Date the da enterir 0.00 0.00 0.00 0.00 0.00 0.00	port) for the monit the the first report Facility's operations are properly accurequired is the date of compliance. ig item (except in \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a oring periods ending was due and the fir all guidance and coromplished, including te the first report w for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	g January 31, lal date is the induct employee the timely as due and the led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Reg. Ent. Reference No. R0101916617 Media [Statute] Water Quality Enf. Coordinator Samuel Short Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 30.350(a) and TPDES Permit No. W00010889001, Other Requirements No. 1 Failed to employ or contract with a licensed operator. Specifically, the permit requires the Facility to have an operator holding a Category C license or higher, and at the time of the investigations, the operator held an expired Category C license or higher, and at the time of the investigations, the operator held an expired Category C license or higher, and at the time of the investigations, the operator held an expired Category C license or higher, and at the time of the investigations, the operator held an expired Category C license or higher, and at the time of the investigations, the operator held an expired Category C license or higher, and at the time of the investigations, the operator held an expired Category C license or higher, and at the time of the investigation of the facility. **Percent** 10% **Programmatic Matrix** Falsification Major Moderate Minor Percent 10% **Percent 10% **Adjustment \$9,000 **Silvation Events** **Violation Events** **Violation Base Penalty 31 **Adjustment \$9,000 **Operating the Facility one work with the major programmatic license may not allow for the properly trained to address needs of the Facility. As a result, human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels. **Violation Events** **Violation Base Penalty 31 **One quarterly event is recommended from the May 3, 2010 investigation date to the compilance date, June 29, 2010.	Screening Date	: 30-Aug-2010	Docket No. 2010-1373-MWD-E	PCW
Reg. Ent. Reference No. RN101916617 Media [Statute] Water Quality Enf. Coordinator Samuel Short Violation Number 6 Rule Cite(s) So Tex. Admin. Code §6 305.125(1) and 30.35t(d) and TPDES Permit No. WQ0010889001, Other Requirements No. 1. Failed to employ or contract with a licensed operator. Specifically, the permit requires the Facility to have an operator holding a Category C license or higher, and at the time of the investigations, the operator held an expired Category C license. Securiorimmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Percent 10% >> Percent 10% >> Percent 10% >> Percent 10% Operating the Facility without an operator with the appropriate license may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address needs of the Facility. As a result, luman health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels. Violation Events Number of Violation Events 1 57 Number of violation days Uiolation Events One quarterity event is recommended from the May 3, 2010 investigation date to the compliance date, June 29, 2010. Good Faith Efforts to Comply 25.0% Respection. Description Percent 10%				Policy Revision 2 (September 2002
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Fin. Coordinator Samuel Short Violation Number 6 Rule Cite(s) Rule Cite(s) Rule Cite(s) Rule Cite(s) 3 0 Tex. Admin. Code \$5 305.125(1) and 30.350(d) and TPDES Permit No. W00010889001, Other Requirements No. 1. Pailed to employ or contract with a licensed operator. Specifically, the permit requires the Facility to have an operator holding a Category C license or higher, and at the time of the investigations, the operator hold an expired Category C license. Sase Penalty >> Environmental, Property and Human Health Matrix Ham Release Major Moderate Minor Percent 10% >> Programmatic Matrix Faisification Major Moderate Minor Percent 0% Operating the Facility without an operator with the appropriate license may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address needs of the Facility. As a result, human health or the environment will or could be exposed to significant amounts of solutions which would not exceed protective levels. Number of Violation Events Number of Violation Events 1 57 Number of violation days diskly weekly monthly charactery and the major protective levels. Violation Events One quarterly event is recommended from the May 3, 2010 investigation date to the compliance date, June 29, 2010. Good Faith Efforts to Comply Extraordinary Ordnary X Notes The Respondent returned to compliance on June 29,				
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Violation Subtotal \$			Violation	Subtotal \$750
			# <u>************************************</u>	T
Economic Benefit (EB) for this violation Statutory Limit Test	:conomic Benefit (EB) for	tnis violation	Statutory Limit	1 Col
Estimated EB Amount \$1 Violation Final Penalty Total \$1,	Estimate	ed EB Amount	\$1 Violation Final Pena	lty Total \$1,720
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		conomic	Benefit	Wo	rksheet		
Respondent	City of La Cos	te	bet traditiet in in de traditiet	(34) (41) (42) (35) (35) (41) (41)			
Case ID No.	40260						
Reg. Ent. Reference No.	RN101916617	•					
	Water Quality					Percent Interest	Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment	[0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		<u> </u>		0.00	\$0	n/a	\$0
Permit Costs							
		J		0.00	\$0	n/a	<u> </u>
Other (as needed)	\$100 Estimated (3-May-2010		0.16	\$1	n/a	\$1
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	: .	Dock	Table No. 1 City of La Coste et No. 2010-1373-	MWD-E		
	May 3	2010	~·····································	ation Date L5, 2010	June 17	, 2010
Parameter	Polecat Creek at County Road 584	Outfall 001	Polecat Creek at County Road 584	Outfall 001	Polecat Creek at County Road 584	Outfall 001
CBOD	8 mg/L	. 45 mg/L	245 mg/L	<600 mg/L	92 mg/L	>228 mg/L
TSS	49 mg/L	200 mg/L	160 mg/L	280 mg/L	19 mg/L	97 mg/L
E.coli	820 cfu/100 ml	3.100 cfu/100 ml	3,600 cfu/100 ml	6,600 cfu/100 ml	1,800 cfu/100 ml	100 cfu/100 ml

Name	Abbreviation
milligrams per liter	mg/L
Colony forming units per 100 milliliters	CFU/100 ml
total suspended solids	TSS
carbonaceous biochemical oxygen demand	CBOD
Escherichia coli	E.coli

Effluent Limit Violation Ta		*2000	water Hall.	وملينية الأوالية
Respondent	City of La Coste			
ID Number(s)	TPDES Permit No. WQ0010889001; Case No. 40260			
Docket Number	2010-1373-MWD-E			
Enf. Coordinator	Samuel Short			
**************************************	_ NL			
Corresponds to Violatio	in Number:			

					E	T PARAM			
	CBOD Daily Average Concentration	Grab Maximum	Ammonia Nitrogen Daily Average Concentration	Single Grab Maximum	TSS Daily Average Concentration	nit Limit			
Month/Year	10 mg/L	35 mg/L	3 mg/L	15 mg/L	15 mg/L				
7/31/2009	С	c	С	С	17				
8/31/2009	17	37	С	С	19.8				
9/30/2009	С	С	4.6	- 16	С				
1/31/2010	15	с	С	С	С				

 Name
 Abbreviation

 milligrams per liter
 mg/L

 total suspended solids
 TSS

 carbonaceous biochemical oxygen demand
 CBOD

Compliance History Report

Customer/Respondent/Owner-Operator:

CN600655179

City of La Coste

Classification: AVERAGE

Rating: 2.49

Regulated Entity:

RN101916617

CITY OF LA COSTE

Classification: AVERAGE

Site Rating: 4.46

ID Number(s):

WASTEWATER WASTEWATER

PERMIT EPA ID WQ0010889001 TX0107743

Location:

LOCATED AT THE EASTERLY CITY LIMITS OF THE CITY OF LA COSTE, APPROXIMATELY 0.5 MILE EAST-SOUTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 471 AND FARM-TO-MARKET ROAD 2790, 0.30 MILE DUE SOUTH OF THE SOUTHERN PACIFIC

RAILROAD, MEDINA COUNTY, TEXAS

TCEQ Region:

REGION 13 - SAN ANTONIO

Date Compliance History Prepared:

August 17, 2010

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

August 17, 2005 to August 17, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Samuel Short

Phone:

(512) 239-5363

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

es '

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/14/2008

ADMINORDER 2005-0264-MWD-E

Classification: Major

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits & Monitor Requirements 1 PERMIT

Description: Failed to comply with the permitted effluent limit for ammonia ntirogen at Outfall 001, which

resulted in a fish kill on Polecat Creek in the San Antonio River Basin.

Classification: Major

Citation:

2D TWC Chapter 26, SubChapter A 26.121(c)

Description: Failure to obtain Commission authorization prior to discharging industrial waste into or adjacent

to the waters of the state.

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limit. & Monitor. Require. 6 PERMIT

Description: Failed to comply with the permitted effluent limits for dissolved oxygen at Outfall 001 during

March 2004.

Effective Date: 07/11/2010

ADMINORDER 2010-0038-MWD-E

Classification: Major

Citation: 30 7

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121

Rqmt Prov: Operational requirements No. 1 PERMIT

Permit Conditions 2d PERMIT

Description: Failed to prevent the discharge and accumulation of sludge in the receiving stream.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Romt Prov: monitoring and reporting no. 7.a PERMIT

Description: Failed to notify the TCEQ of a noncompliance orally within 24 hours of becoming aware of the

noncompliance and to provide a complete written report of the noncompliance within five days.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 08/25/2005 (446788)
 - 2 09/22/2005 (446789)
 - 3 10/19/2005 (490536)
 - 4 12/07/2005 (490537)
 - 5 12/30/2005 (490538)
 - 6 03/08/2006 (490535)
 - 7 03/08/2006 (490539)
 - 8 05/23/2006 (505370)
 - 9 05/23/2006 (505371)
 - 0 00/20/2000 (0000/1)
 - 10 05/23/2006 (505372)
 - 11 05/25/2006 (461803)
 - 12 07/03/2006 (527658) 13 08/29/2006 (527659)
 - 14 10/11/2006 (551321)
 - 15 10/11/2006 (551322)
 - 16 10/20/2006 (551323)
 - 17 12/18/2006 (551324)
 - 18 01/18/2007 (588057)
 - 19 01/22/2007 (588058)
 - 20 03/07/2007 (588053)
 - 21 04/09/2007 (588054)
 - 22 04/27/2007 (588055)
 - 23 05/31/2007 (561717)
 - 24 06/11/2007 (588056)
 - 25 07/31/2007 (605314)
 - 26 08/07/2007 (605313)
 - 27 09/04/2007 (605315)
 - 28 10/02/2007 (629179)
 - 29 10/22/2007 (629180)
 - 30 11/20/2007 (629181)
 - 31 12/27/2007 (629182)
 - 32 01/24/2008 (676628)
 - 33 02/15/2008 (612313)
 - 34 02/25/2008 (676627) 35 03/25/2008 (695166)
 - 33 03/23/2000 (033100)
 - 36 06/20/2008 (716669)
 - 37 06/24/2008 (716670)
 - 38 08/05/2008 (716671) 39 08/29/2008 (716672)
 - 40 09/22/2008 (716673)
 - 41 09/30/2008 (732114)
 - 42 10/23/2008 (732115)
 - 43 12/01/2008 (732116)

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44 01/12/2009 (755460)
                45 03/13/2009 (738255)
                46 04/01/2009 (755459)
                47 04/01/2009 (755461)
                48 06/01/2009 (817646)
                49 06/16/2009 (742157)
                50 08/31/2009 (817649)
                51 11/09/2009 (817650)
                52 11/09/2009 (817651)
           53
               11/18/2009
                                (817648)
           54
               12/02/2009
                                (817652)
          55
               12/07/2009
                                (776994)
           56
                01/15/2010
                                (817653)
           57
                01/22/2010
                                (817647)
           58
                01/22/2010
                                (817654)
           59
                08/03/2010
                                (827603)
                08/16/2010
                                (830322)
           60
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
                         Date: 12/31/2005 (490539)
                                                                CN600655179
                          Self
                                      YES
                                                                            Classification:
                                                                                             Moderate
                          Citation:
                                        30 TAC Chapter 305, SubChapter F 305.125(1)
                           TWC Chapter 26 26.121(a)
                          Description: Failure to meet the limit for one or more permit parameter
                         Date: 05/25/2006 (461803)
                                                                CN600655179
                          Self
                                                                            Classification:
                                                                                             Minor
                          Citation:
                                        30 TAC Chapter 317 317.4(a)(8)
                                       Failure to conduct the annual calibration on the potable water backflow prevention
                         Description:
                                        device.
                          Self
                                                                            Classification:
                                                                                             Minor
                                        30 TAC Chapter 305, SubChapter F 305.125(11)(B)
                          Citation:
                          Description: Failure to submit the 2005 annual sludge report.
                          Date: 11/30/2006 (588057)
                                                                CN600655179
                          Self
                                      YES
                                                                            Classification:
                                                                                             Moderate
                                        30 TAC Chapter 305, SubChapter F 305.125(1)
                          Citation:
                           TWC Chapter 26 26.121(a)
                          Description: Failure to meet the limit for one or more permit parameter
                          Date: 03/31/2007 (588055)
                                                                CN600655179
                          Self
                                                                            Classification:
                                                                                             Moderate
                          Citation:
                                       30 TAC Chapter 305, SubChapter F 305.125(1)
                           TWC Chapter 26 26.121(a)
                          Description: Failure to meet the limit for one or more permit parameter
                         Date: 06/12/2009 (742157)
                                                                CN600655179
                          Self
                                                                            Classification:
                                                                                             Minor
                          Citation:
                                       30 TAC Chapter 317 317.4(a)(8)
                         Description: Failure to conduct the annual testing on the RPZ backflow preventer on the potable
                                       water supply line to the plant.
                         Date: 07/31/2009 (817649)
                                                                CN600655179
                          Self
                                                                           Classification:
                                                                                             Moderate
                                       2D TWC Chapter 26, SubChapter A 26.121(a)
                         Citation:
                           30 TAC Chapter 305, SubChapter F 305.125(1)
                         Description: Failure to meet the limit for one or more permit parameter
                         Date: 08/31/2009 (817650)
                                                                CN600655179
                         Self
                                     YES
                                                                           Classification:
                                                                                             Moderate
                         Citation:
                                       2D TWC Chapter 26, SubChapter A 26.121(a)
                           30 TAC Chapter 305, SubChapter F 305.125(1)
                         Description: Failure to meet the limit for one or more permit parameter
                         Date: 09/30/2009 (817651)
                                                                CN600655179
                         Self
                                                                           Classification:
                                                                                            Moderate
                         Citation:
                                       2D TWC Chapter 26, SubChapter A 26.121(a)
                           30 TAC Chapter 305, SubChapter F 305.125(1)
                         Description: Failure to meet the limit for one or more permit parameter
```

CN600655179

Date: 01/31/2010

E.

Self

YES

Classification:

Moderate

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

CN600655179

Date: 05/31/2010 YES

Classification:

Self Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

Voluntary on-site compliance assessment dates. H.

N/A

Participation in a voluntary pollution reduction program. ١.

J, Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF LA COSTE	§	
RN101916617	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2010-1373-MWD-E

At its	agenda, the Texas Commission on Environmental Qualit	ty
("the Commission" or "	CCEQ") considered this agreement of the parties, resolving a	ın
enforcement action regard	ing the City of La Coste ("the Respondent") under the authority of	of
TEX. WATER CODE chs. 7 ar	d 26. The Executive Director of the TCEQ, through the Enforcement	nt
Division, and the Responde	ent presented this agreement to the Commission.	

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at the easterly city limits of La Coste, approximately 0.5 mile east-southeast of the intersection of Farm-to-Market Road 471 and Farm-to-Market Road 2790, and 0.30 mile due south of the Southern Pacific Railroad in Medina County, Texas (the "Facility").

- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. WATER CODE ch. 26.
- During investigations on May 3, 2010, June 15, 2010, and June 17, 2010, TCEQ staff 3. documented discharges of sludge and contaminants into the receiving stream. Specifically, on May 3, 2010, the Facility was experiencing an upset due to waste being received from a Type V Grease/Grit processing plant, the final discharge was gray in color, and the receiving stream, Polecat Creek, was black in color with sludge deposits and floating mats of sludge. Grab samples taken at the outfall indicated elevated levels of carbonaceous biochemical oxygen demand ("CBOD"), total suspended solids ("TSS"), and Escherichia coli ("E.coli") as shown below. On June 15, 2010, one of the aerators was inoperable causing an upset that resulted in sludge from the final clarifier to overflow from the weirs and discharge into the chlorine contact chamber. A significant portion of the Facility discharge was being pumped to an abandoned earthen holding pond located on the property. The discharge to Polecat Creek was black in color, sludge was covering the substrate of Polecat Creek and was attaching to the banks. Grab samples taken June 15, 2010 and June 17, 2010 at the outfall and in Polecat Creek indicated elevated levels of CBOD, TSS, and E.coli as shown below.

· -	Investigation Date						
	May 3,	2010	June 1	5, 2010	June 17, 2010		
	Polecat		Polecat		Polecat		
	Creek at		Creek at		Creek at		
	County	Outfall	County		County	Outfall	
Parameter	Road 584	001	Road 584	Outfall 001	Road 584	001	
CBOD	8 mg/L	45 mg/L	245 mg/L	<600 mg/L	92 mg/L	>228 mg/L	
		200					
TSS	49 mg/L	mg/L	160 mg/L	280 mg/L	19 mg/L	97 mg/L	
		3,100				90000000000000000000000000000000000000	
	820	cfu/100	3,600	6,600	1,800	100	
E.coli	cfu/100 ml	ml	cfu/100 ml	cfu/100 ml	cfu/100 ml	cfu/100 ml	

Name	Abbreviation
milligrams per liter	mg/L
Colony forming units per 100 milliliters	CFU/100 ml

- 4. During an investigation conducted on June 17, 2010, TCEQ staff documented that wash water from the roll off container wash down area was discharged into an abandoned effluent holding pond.
- 5. During a record review conducted on August 11, 2010, TCEQ staff documented the following effluent values based on the self-reported discharge monitoring reports ("DMR").

		EGGL	<u>UENT PARAM</u> Permit Limit	<u>eter</u>	
	CBOD Daily Average Concentration	CBOD Single Grab Maximum Concentration	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Single Grab Maximum Concentration	TSS Daily Average Concentration
Month/Year	10 mg/L	35 mg/L	3 mg/L	15 mg/L	15 mg/L
7/31/2009	c	c	c	с	17
8/31/2009	17	37	c	С	19.8
9/30/2009	c	c	4.6	16	С
1/31/2010	15	c	c	, c	c

- 6. During an investigation conducted on May 3, 2010, TCEQ staff documented that the Respondent did not provide notification that a Type V Grease/Grit Processing plant was discharging industrial wastes to the wastewater treatment facility.
- 7. During an investigation conducted on May 3, 2010, TCEQ staff documented that the DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010 were due by the 20th day of the following month and were not submitted until June, 21, 2010.
- 8. During an investigation conducted on May 3, 2010, TCEQ staff documented that the operator held an expired Category C license and the permit requires the Facility have an operator holding a Category C license or higher.
- 9. The Respondent received notices of the violations on August 9, 2010 and August 25, 2010.
- 10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By June 19, 2010, repaired the aerator and completed cleanup of Polecat Creek;
 - b. On June 21, 2010, submitted the DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010;
 - c. By June 28, 2010, repaired the basin pump located in the roll off container wash down area;
 - d. By June 29, 2010, had an additional operator at the Facility that holds a current and valid Class C license:
 - e. By June 29, 2010, developed and implemented procedures to ensure that the operator at the Facility has a current and valid license;

- f. On July 7, 2010, conducted an engineering study of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations. As a result of the evaluation, the following corrective measures were implemented at the Facility:
 - i. Increased the monitoring frequency for dissolved oxygen, chlorine, and ammonia nitrogen;
 - ii. Began checking the sludge depth in the clarifier three times per day;
 - iii. Began conducting the sludge settling test five times per day;
 - iv. Implemented improved maintenance procedures for the aerators, including increased monitoring and cleaning frequency;
 - v. On July 12, 2010, adjusted the float levels for the lift station pumps in order to even out flows and reduce hydraulic loading spikes;
 - vi. On July 12, 2010, adjusted the rate of flow at the telescoping valve to the optimal level;
 - vii. On July 12, 2010, began conducting mixed liquor suspended solids test onsite to optimize the process; and
 - viii. Installed redundant aerators for cases where two aerators are necessary to achieve appropriate dissolved oxygen levels in the aeration basin.
- g. On July 8, 2010, conducted employee training to ensure the timely submittal of signed and certified monthly DMRs;
- h. On July 27, 2010, conducted a second engineering study of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations. As a result of the evaluation, the following corrective measures were implemented at the Facility:
 - i. On August 2, 2010, repaired and sealed a bent weir in the chlorine contact chamber and implemented automatic chlorine injection;
 - ii. On August 23, 2010, ceased chlorine injection at the lift station and repaired the broken piping supports;
 - iii. On August 24, 2010, cleaned the bar screen and implemented improved cleaning procedures of the bar screens; and

- iv. On August 30, 2010, implemented a schedule for routine cleaning of the aeration basin walls.
- i. On August 9, 2010, ensured that the expired Category C license of the operator was renewed;
- j. On September 30, 2010, returned to compliance with the permitted effluent limits; and
- k. On August 17, 2011, removed and properly disposed of all discharged waste from the abandoned holding pond at an authorized facility.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the discharge and accumulation of sludge and contaminants in the receiving stream, in violation of Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1), (4) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements Nos. 1 and 4, Permit Conditions No. 2.d, and Operational Requirements No. 1.
- 3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent the unauthorized discharge of industrial wash water into or adjacent to water in the state, in violation of Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010889001, Permit Conditions No. 2.g.
- 4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with permitted effluent limits, in violation of Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements No. 1.
- 5. As evidenced by Findings of Fact No. 6, the Respondent failed to provide notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility, in violation of 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11(b).
- 6. As evidenced by Findings of Fact No. 7, the Respondent failed to timely submit DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010, in violation of 30 Tex. Admin. Code §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 1.

- 7. As evidenced by Findings of Fact No. 8, the Respondent failed to employ or contract with a licensed operator, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1) and 30.350(d) and TPDES Permit No. WQ0010889001, Other Requirements No. 1.
- 8. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of Twenty-Eight Thousand Eight Hundred Sixty 9. Dollars (\$28,860) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. WATER CODE § 7.053. The Respondent has paid One Thousand Two Hundred Fourteen Dollars (\$1,214) of the administrative penalty. The remaining amount of Twenty-Seven Thousand Six Hundred Forty-Six Dollars (\$27,646) of the administrative penalty shall be payable in 23 monthly payments of One Thousand Two Hundred Two Dollars (\$1,202) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Eight Thousand Eight Hundred Sixty Dollars (\$28,860) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of La Coste, Docket No. 2010-1373-MWD-E" to:

> Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit notification of the volume and character of the pollutants entering the wastewater treatment facility, in accordance with TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11 to:

Municipal Permit Team Water Quality Division, MC 148 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- ii. Update the Facility's operational guidance and conduct employee training to ensure that that adequate notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility is provided, in accordance with TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager San Antonio Regional Office Texas Commission on Environmental Quality 14250 Judson Road San Antonio, Texas 78233-4480

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- This Agreed Order may be executed in separate and multiple counterparts, which 9. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission For the Executive Director	12/2/11 Date
La Coste. I am authorized to agree to the attac	the attached Agreed Order in the matter of City of ched Agreed Order on behalf of City of La Coste, itions. I further acknowledge that the TCEQ, in naterially relying on such representation.
rights, including, but not limited to, the right Agreed Order, notice of an evidentiary hearing to appeal. I agree to the terms of the Agree	Order, City of La Coste waives certain procedural to formal notice of violations addressed by this , the right to an evidentiary hearing, and the right d Order in lieu of an evidentiary hearing. This ication by the Commission of the violations set
 and/or failure to timely pay the penalty amount. A negative impact on compliance histor. Greater scrutiny of any permit applicati. Referral of this case to the Attorney additional penalties, and/or attorney fee. Increased penalties in any future enforce. Automatic referral to the Attorney Gen and. TCEQ seeking other relief as authorized. 	ons submitted; General's Office for contempt, injunctive relief, es, or to a collection agency; ement actions; neral's Office of any future enforcement actions;
Signature Andy Keller Name (Printed or typed)	Date MAYOR Title
Authorized Representative of City of La Coste	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.